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November 12, 2014

VIA ECF

Catherine O'Hagan Wolfe
Clerk of Court
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Martoma*, 14-3599-cr

Dear Ms. Wolfe:

We represent Defendant-Appellant Mathew Martoma in the above-captioned matter. Mr. Martoma's motion for bail pending appeal was denied this afternoon by this Court before a panel of Judges Pooler, Wesley and Parker. The Court's Order lifted a stay of Mr. Martoma's surrender date, which had been set for November 10, 2014. Pursuant to the instructions of the Clerk's Office, we are writing to request clarification as to when Mr. Martoma must surrender to begin service of his 9-year-long sentence.

Mr. Martoma requests that the Court grant him leave to surrender by Tuesday, November 18, 2014, so that he has this brief additional period of time to settle his affairs before his incarceration. In particular, Mr. Martoma respectfully requests the Court's permission to spend a few additional days with his wife and three young children (ages five, seven, and nine), in order to help prepare the children for the impending separation from their father.

The government opposes this request and has submitted the attached letter to the District Court. (Exhibit A.) A copy of this letter is being submitted to the District Court by Mr. Martoma's trial counsel.

Catherine O'Hagan Wolfe
November 12, 2014

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We thank the Court for its consideration of Mr. Martoma's request.

Respectfully submitted,

/s/ Alexandra A.E. Shapiro

Alexandra A.E. Shapiro

cc: Eugene Ingoglia, Esq.

EXHIBIT A



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 12, 2014

By ECF & Hand

Hon. Paul G. Gardephe
United States District Judge
United States District Court
40 Centre Street
New York, NY 10007

Re: United States v. Martoma, 12 Cr. 973 (PGG)

Dear Judge Gardephe:

The Government writes to inform the Court that, following oral argument this morning, the Second Circuit issued an order (Exhibit A, attached) denying Martoma's motion for bail pending appeal on the grounds that Martoma has failed to show that the appeal raise a substantial question of law or fact as required under 18 U.S.C. § 3143(b). The Second Circuit further vacated its prior stay order of Appellant's surrender date. However, because the surrender date of November 10 passed on Monday, a further order from this Court directing Martoma to surrender is required. Given that the Court's previous order denying bail pending appeal and further denying Martoma's application to adjourn surrender has now been affirmed, the Government respectfully submits that there is no basis to further delay the imposition of the Court's September 8, 2014 sentence. The Government has confirmed with the Bureau of Prisons that it is prepared to accept Martoma at his previously designated institution as soon as Martoma is ordered to surrender by the Court.

Respectfully Submitted,

PREET BHARARA
United States Attorney

By: /s/
Arlo Devlin-Brown
Eugene Ingolia
Assistant United States Attorneys

cc: Richard Strassberg, Esq.
Roberto Bracerias, Esq.
(via ECF)

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of November, two thousand fourteen.

Present: Rosemary S. Pooler,
Barrington D. Parker,
Richard C. Wesley,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

No. 14-3599

MATTHEW MARTOMA,

Defendant-Appellant.

Matthew Martoma moves for bail pending appeal. It is hereby ORDERED that Martoma's motion is DENIED, because he has failed to show that the appeal "raises a substantial question of law or fact" as required in 18 U.S.C. § 3143(b). Furthermore, as we have completed our review, the previous stay of Appellant's surrender date is VACATED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

CERTIFIED COPY ISSUED ON 11/12/2014